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09/852,883	05/11/2001	Steven J. Vornsand	7187	5408

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Zenith Electronics Corporation  
2000 Millbrook Drive  
Lincolnshire, IL 60069

EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/852,883

Applicant(s)

VORNSAND, STEVEN J.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on RCE (21 Nov 05) /Amend (17 Oct 05).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 31-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's arguments filed 17 Oct 2005 have been fully considered but they are not persuasive.

The examiner repeats the comments provided in the Advisory Action:

The applicant states that the remote of Davies doesn't determine when a confirmation signal has not been sent. The applicant states that the user might determine that no confirmation has been received when the remote provides no feedback regarding the confirmation. The examiner disagrees. As disclosed by Davies (col 4, line 17-44), at least one signal from the remote controller is sent to a target device (block 520, Fig 5), at block 525, the remote controller provides feedback as to whether the control signal was received by the target device and the function was executed by the target device, and at processing block 535 the target device provides feedback/confirmation of the execution of the desired function. Thus given the broadest interpretation of the claimed invention, if the target device didn't receive or execute the function from the remote, the remote cannot provide feedback that the target device received and executed the function. Ben-Ze'ev discloses a remote control which is able to control many appliances including multiple TV's, where the remote is able to determine whether an appliance has sent a signal in response to a signal from the remote (col 10, line 49-65, col 11, line 2-14, col 12, line 59 to col 13, line 20, col 13, line 48-50) and also whether the appliance has performed a commanded function. Thus the concept of transmitting/receiving and determining whether a device (TV) has received a signal is conventional practice. As stated in the rejection, Davies discloses a single TV, Ben-Ze'ev discloses multiple TV's and the combination of both teachings, disclose a system where the user can control multiple TV's and be informed of the status/confirmation of the appliances, and a remote which can determine if a device has replied within a predetermined period. Thus claims 31-47 stand rejected over the combination. In the event the applicant disagrees---the examiner requests the applicant to clarify with respect to the rejection what limitations besides the aforementioned are not met.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2a. Claims 31-47 rejected under 35 U.S.C. 103(a) as being unpatentable over Davies, US 6,753,790 in view of Ben-Ze'ev, US 6,791,467.

In considering claims 31, 41-42 and 46,

*a) the claimed a host device having a host processor...* is met by remote controller (300) which processes received signals, where the system can toggle between reception/transmission (receiver/transmitter) via IR/RF (via toggling 360), utilizing user control input 310/user interface 330, where detector 320 detects whether the remote controller is within a feedback range of a target device.

*b) the claimed a television processor...* is met by a target device which may be a television set (col 3, line 6-22) where the television set receives/processes the request from the user via the remote controller (300) and when the user is in a location where the confirmation via a "line-of sight" is not possible, the TV sends a signal back confirming that the control signal was successfully sent to and executed by the target device (col 1, line 53-62).

However, Davies does not explicitly recite a "plurality of dispersed televisions" (limitation b), nor determining which televisions (plural) do not transmit the confirmation signals. Davies discloses a system where the user may activate target devices (i.e. audio, video

and television devices) where the user can activate and receive confirmation on the remote (via the target device) by being in a different room than the target device.

Although, the use of more than one television is notoriously well known in the art, as also stated by applicant (background pages 1-2), the examiner incorporates Ben-Ze'ev which discloses a single master adaptive remote controller which is able to control the appliances in a household including multiple TV's (Fig 1). Ben-Ze'ev also is able to interrogate the appliances periodically to ascertain their status (on, off etc...(col 10, line 49-65) and to also receive confirmation that an appliance has executed/performed a commanded function (col 13, line 44-50)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies which discloses a system which allows the user to control and receive confirmation from target devices, by being in a different room than the device, where Davies discloses a separate room may includes a television, with Ben-Ze-ev by allowing the user to interact with all the televisions/target devices in a dwelling (multiple rooms, house), thereby providing the user(s) the ability to control (receive confirmation from) all the televisions/target devices the user(s) has/have access to with a single remote control.

In considering claim 32 and 43,

Davies discloses that the command and confirmation signals may be IR or RF (Fig 3), based upon the feedback range where the feedback range, may be an audible hearing distance or a definitive distance (i.e. ten meters) (col 3, line 31-37).

In considering claims 33 and 37,

Davies discloses a remote controller, which operates as the host and peripheral device, where the remote is responsive to a user input to generate a control signal.

In considering claims 34,

Davies does not explicitly disclose the target devices including peripheral devices such VCR and DVD player, and a host device such as a PC. Davies does disclose that target devices such as electronic equipment such as audio and video devices, including televisions, including a remote which may be formed via a PDA (personal digital assistant).

However, Ben-Ze'ev discloses the use of a VCR (Fig 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies which discloses the control of target devices within/outside of a room, with Ben-Ze'ev by controlling all the devices that are included in the household (i.e. VCR), thereby giving the user complete control over the target devices he/she has access to in their dwelling.

In considering claims 35,

Neither Davies nor Ben-Ze'ev disclose the peripheral device comprising a digital video disc player.

However, a digital video disc player is a notoriously well known appliance which is used in conjunction with a TV, thus the examiner takes "OFFICIAL NOTICE" regarding such a peripheral device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies and Ben-Ze'ev which disclose a system which is able to command/control all the appliances in a household and ascertain the execution of a command/control function, by controlling all appliances including a digital video disc player if available, in order to provide the user control over all available appliances.

In considering claim 36,

Ben-Ze'ev discloses that the remote controller may be part of a PDA (personal digital assistance) device (i.e. personal computer).

In considering claims 38 and 47,

*The claimed processor* is met by the television, which receives, transmits and processes the signals between the target devices and the remote.

Although, Davies/Ben-Zee's do not explicitly disclose a timer, Davies discloses the control via transmission/reception of peripheral devices, which are integrated into the entertainment system, thereby being able to control multiple devices in a logical/desired sequence. Ben-Ze'ev does disclose a "predetermined period" in the time period to wait for a receipt from an appliance/external device (col 11, line 2-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies/Ben-Ze'ev which discloses the confirmation of an executed operation, by confirming to the user in a desired time period (i.e. using a timer) where conformation maybe within any user desired preset reasonable time (i.e. meeting the claimed .1 or .5 seconds) to inform the user that the command executed has been performed.

In considering claims 39-40, 42 and 45,

The combination of Davies/Ben-Ze'ev do not explicitly recite the confirmation signals comprising a 1200 baud, 8 bits byte, 1 start bit, 1 stop bit, no parity format packet modulated onto a 40 KHz carrier wave, including a command identifier byte, data value byte and check sum byte.

There are multitude of interface available to the user/designer, i.e. RS-232, RS-422, RS-423 and RS-485, of course based upon the needs of the user and equipment/peripheral devices being used.

Thus the examiner takes "OFFICIAL NOTICE" regarding the use of a signal, which may include the parameters as claimed, since there are a multitude of conventional transmission/reception schemes available to a designer/user. The examiner also requests the applicant to provide the inventive steps regarding the claimed subject (i.e. is the applicant claiming this is a novel transmission/reception scheme, which was never used/known by others before the applicant discovered it?). The examiner's position is based upon conventional software/hardware which is purchased off the shelf can perform the reception/transmission scheme including that which is claimed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davies/Ben-Ze'ev which discloses the control of target devices of an entertainment system which may be located in or outside the room of the user, by transmitting/receiving the control/confirmation signals by a conventional/off the shelf protocol scheme.



***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571) 272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (571)272-7353.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

**(571)273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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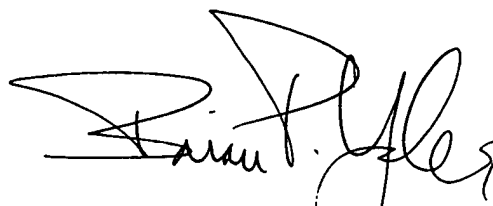
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Art Unit: 2614

(CRF) sequence listings for pending biotechnology patent applications, which were filed  
in paper form.



B.P.Y.  
30 November 2005



BRIAN P. YENKE  
PRIMARY EXAMINER